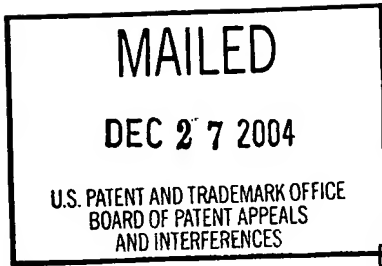


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

Ex parte PHILIP L. HOWER and TAYLOR R. EFLAND  
\_\_\_\_\_

Application No. 10/036,323  
\_\_\_\_\_

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on November 4, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

Appellant(s) filed an after final amendment on October 14, 2003. A review of the Image File Wrapper (IFW) reveals that the amendment has not been considered. The examiner's advisory action filed subsequent to the amendment on October 29, 2003, does not indicate whether or not the amendment should be entered. However, both the appellants' brief and the examiner's answer treat the claims as though the amendment has been entered. Nevertheless, the amendment needs to be officially acknowledged by the examiner in the IFW.

Application No. 10/036,323

Accordingly, it is

ORDERED that the application is being returned to the examiner for an official disposition of the amendment filed October 14, 2003, notification to appellants in writing of the action taken, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



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Program and Resource Administrator  
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KJ/vsh  
RA04-0094